

**PROPOSED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R087-15

October 9, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, Section 194 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636; §2, NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636.

A REGULATION relating to fertilizer; adopting by reference certain fertilizer control rules; revising certain provisions governing the payment of fees and reporting requirements for the sale of certain fertilizers and agricultural minerals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the State Department of Agriculture to adopt by reference the fertilizer control rules and standards of the Association of American Plant Food Control Officials (AAPFCO) or its successor organization. (Section 194 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636) **Section 1** of this regulation adopts the relevant publication from the AAPFCO, and provides for the Director to review each subsequent edition to ensure its suitability for use in this State.

Existing law requires the registrant of each brand of commercial fertilizer or agricultural minerals to pay certain fees to the Department for each ton sold and to report to the Department the total tonnage sold, unless the responsibility for reporting and payment of fees has been assigned to another person by a contract. (NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636) **Section 2** of this regulation makes a conforming change regarding the responsibility for such reporting and payment of fees.

Section 1. Chapter 588 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Director hereby adopts by reference Official Publication No. 68, 2015 edition, of the Association of American Plant Food Control Officials, and any subsequent edition issued by the Association of American Plant Food Control Officials, or its successor organization,

which has been approved by the Director. Each new edition of this publication shall be deemed approved by the Director unless the edition is disapproved by the Director within 60 days after the date of publication by the Association of American Plant Food Control Officials or its successor organization.

2. The Director will review each subsequent edition of the Official Publication to ensure its suitability for use in this State. The most recent edition of the publication that has been approved by the Director will be available for inspection at the main office of the Department, or may be purchased for the price of \$60 by mail from the Association of American Plant Food Control Officials, No. 1 Natural Resources Drive, Little Rock, Arkansas, 72205.

Sec. 2. NAC 588.010 is hereby amended to read as follows:

588.010 ~~{The}~~

1. Except as otherwise provided in subsection 2, the registrant is responsible for tonnage fees and reports. ~~{If the registrant does not have authority over distribution or sales of the registered brand or brands, he or she shall notify the Department in writing of the person responsible for reporting tonnages and payment of fees.}~~

2. A registrant who has entered into a contract pursuant to subsection 4 of NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636, which assigns the responsibility for reporting the total tonnage and the payment of fees is not responsible for such reports and fees.